

MITIGATED NEGATIVE DECLARATION

July 20, 2006

Project Name: Dart Minor Subdivision

Project Number(s): TPM 20675RPL¹, Log No. 02-21-004

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for Biology, Cultural Resources, Acoustics, Hydrology and Stormwater
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.
2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

- A. Prior to approval of grading permits or construction permits, or on the Parcel Map, whichever comes first, the applicant shall:
1. Grant to the County of San Diego an open space easement as shown on the Open Space Exhibit dated November 5, 2004 on file with the Department of Planning and Land Use as Environmental Review Number 02-21-004. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation.
 - a. The sole exception(s) to this prohibition is selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto.
 2. Grant to the County of San Diego a Limited Building Zone Easement as shown on the Open Space Exhibit dated November 5, 2004 on file with the Department of Planning and Land Use as Environmental Review Number 02-21-004. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibits the construction or placement of any structure designed or intended for occupancy by humans or animals, The only exceptions to this prohibition are:
 - a. Structures designed or intended for occupancy by humans or animals located no less than 30 feet from the nearest biological open space easement boundary, provided that the structures meet the minimum Fire-Resistive Construction

Requirements as defined by the Fire Protection Authority (FPA) having jurisdiction over the property and that FPA has approved in writing a reduction in the vegetation clearing/fuel modification requirements so that they will not be required within any portion of the biological open space easement.

- b. Decking, fences, and similar facilities.
 - c. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.
3. Grant to the County of San Diego a Noise Protection Easement over the entire area of Parcels 1, 2, and 3 of Tentative Parcel Map 20675. This easement is for the mitigation of present and anticipated future excess noise levels for residential use of the affected lots. The easement shall require:
- a. Complete to the satisfaction of the Director of the Department of Planning and Land Use, an acoustical analysis performed by a County certified acoustical engineer, demonstrating that the present and anticipated future noise levels for the interior and exterior of the residential dwelling will not exceed the allowable sound level limit of the Noise Element of the San Diego County General Plan [exterior (60 dB CNEL), interior (45 dB CNEL)]. Future traffic noise level estimates for Ribbonwood Road, must utilize a Level of Service "C" traffic flow for a two-lane Rural Light Collector that is the designated General Plan Circulation Element buildout roadway classification. Interstate 8 shall be included in the analysis with the appropriate truck speeds based on safety and buildout conditions.
 - b. Incorporate to the satisfaction of the Director of the Department of Planning and Land Use all of the recommendations or mitigation measures of the acoustical analysis into the project design and building plans.

B. Prior to obtaining any building or grading permit, the applicant shall:

Submit to the Director, Department of Planning and Land Use a signed, stamped statement from a California Registered Engineer, or licensed surveyor that temporary fences have been placed to protect from inadvertent disturbance all open space easements that do not allow grading, brushing or clearing. Temporary fencing is required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The temporary fence location shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned between the open space easement boundary and any area of proposed disturbance. All temporary fencing shall be removed only after the conclusion of such activity. The temporary fencing condition shall be released on a parcel-by-parcel basis.

C. Prior to the approval of grading or improvement plans and prior to the approval of the Parcel Map, the applicant shall:

Submit to the Director, Department of Planning and Land Use evidence that permanent signs have been placed to protect all Open Space Easements in accordance with on the Open Space Exhibit dated November 5, 2004, on file with the Department of Planning and Land Use as Environmental Review Number 02-21-004. Evidence shall include photographs of a sign placed on the project site and a stamped, signed statement from a California Registered Engineer, or licensed surveyor that permanent signs have been placed on the open space easement boundaries in accordance with the requirements of this condition. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

"Sensitive Environmental Resources
Disturbance Beyond this Point is Restricted
by Easement

Information:

Contact County of San Diego, Department of Planning and Land Use
Ref: ER 02-21-004

D. Prior to occupancy of any dwelling unit and/or the conclusion of any grading activity, the applicant shall:

1. Submit to the Director, Department of Planning and Land Use a signed, stamped statement from a California Registered Engineer, or licensed surveyor that permanent fences or walls have been placed to protect from inadvertent disturbance all open space easements that do not allow grading, brushing or clearing. Permanent fencing or walls are required in all locations of the project as shown on the Open Space Exhibit dated November 5, 2004 on file with the Department of Planning and Land Use as Environmental Review Number 02-21-004. The permanent fence location(s) shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned just outside of the open space easement. Photographs and a brief description of design and materials used shall be submitted with the statement from the California Registered Engineer. Construction materials and fence or wall design are subject to approval by the Department of Planning and Land Use. Minimum fence or wall height shall be four (4) feet. The permanent fencing condition shall be released on a parcel-by-parcel basis.
2. Provide evidence to the satisfaction of the Director of Planning and Land Use that all archaeological materials recovered during the archaeological investigations of the property by Professional Archaeological Services under the direction of Dr. Philip de Barros, including survey and all significance testing, have been curated according to current professional repository standards. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. This condition will be satisfied with the receipt of a letter from the curation facility acknowledging the receipt of the collection and funds.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

- B. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS, AND FILED WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY:
1. THE PARCEL MAP SHALL SHOW AN ACCURATE AND DETAILED VICINITY MAP.
 2. SIGHT DISTANCE [DPW]
 - a. Prior to recordation, a registered civil engineer, a registered traffic engineer, or a licensed land surveyor shall provide a signed statement that: "Physically, there is a minimum of four-hundred feet (400') of unobstructed sight distance along Ribbonwood Road (SA 210) in both directions from Roadrunner Lane, the driveway opening of Parcel 1, the driveway opening of Parcel 2, and the driveway opening of Parcel 3, per the Design Standards of Section 6.1.E of the County of San Diego Public Road Standards (approved July 14, 1999)." Any vegetation currently obstructing sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required." All of the foregoing shall be to the satisfaction of the Director of Public Works.
 3. PRIVATE ROAD EASEMENTS [DPW] [FIRE]
 - a. The Parcel Map shall show a minimum 40' wide private road easement from Ribbonwood Road to the northeast corner of Parcel 1.
 4. ROAD DEDICATIONS [DPW]
 - a. Offer to dedicate the right-of-way required to complete a thirty foot (30') wide, one-half right-of-way width from the ultimate centerline, plus the right to construct and maintain slopes and drainage improvements as required beyond the thirty foot (30') limit for that portion of Parcels 1 and 2 within the land division for Ribbonwood Road (SA 210) , in accordance with Public Road Standards for a Circulation Element Rural Light Collector Road. The foregoing shall be

to the satisfaction of the Director of Public Works. The Parcel Map shall be prepared to show the offer being rejected.

- b. Offer to dedicate the right-of-way required to complete a thirty foot (30') wide right-of-way and to include 20' radius corner rounding, plus the right to construct and maintain slopes and drainage improvements as required beyond the thirty foot (30') limit for that portion of Parcels 1 and 2 within the land division for Ribbonwood Road. The Parcel Map shall be prepared to show the offer being accepted.
- c. Offer to dedicate the right-of-way required to complete a forty four foot (44') wide, one-half right-of-way width from the ultimate centerline, plus the right to construct and maintain slopes and drainage improvements as required beyond the forty four foot (44') limit for that portion of Parcel 3 within the land division for Ribbonwood Road (SA 210), in accordance with Public Road Standards for a Circulation Element Industrial/Commercial Collector Road. The foregoing shall be to the satisfaction of the Director of Public Works. The Parcel Map shall be prepared to show the offer being accepted.
- d. Any offer of dedication or grant of right-of-way shall be free of any burden or encumbrances which would interfere with the purposes for which the dedication or offer of dedication is required, per Section 81.705(a) of the County Code at the time of recordation of the Parcel Map.
- e. All off map dedications shall be by separate document.
- f. The subdivider shall relinquish access rights into Ribbonwood Road and Ribbonwood Road (SA 210), except for one (1) thirty-foot (30') wide opening at the northwest corner of Parcel 1 (Roadrunner Lane), one (1) twenty-foot (20') wide driveway opening at the southwest corner of Parcel 2, and one (1) thirty-foot (30') wide driveway opening at the northwest corner of Parcel 3 and one (1) twenty-foot (20') wide driveway opening for Parcel 1-said driveway shall be a minimum of 300' from Roadrunner Lane.

- g. The subdivider shall relinquish access rights into the common Parcel line between Parcels 2 and 3 to prevent access from one Parcel to the other Parcel.

5. CIRCULATION ELEMENT ROADS

- a. Prior to preparation of the Parcel Map, the engineer or surveyor preparing the map shall contact the County of San Diego, Department of Public Works, to determine the desired location of the centerline for Ribbonwood Road (SA 210), which is shown on the Circulation Element of the County General Plan as a Rural Light Collector Road. The following shall be shown on the Parcel Map for Parcels 1 and 2:
 - (1) The centerline location as approved by the Director of Public Works.
 - (2) The width of the right-of-way which is a minimum of thirty foot (30') from the centerline and is identified by a line drawn at the appropriate location and labeled, "Limit of Proposed Street Widening."
 - (3) A building line which is a minimum of sixty feet (60') from the centerline and identified by a line drawn at the appropriate location and labeled, "Limit of Building Line."
 - (4) Show the ultimate drainage and slope limits on the Parcel Map. A profile and cross-sections sufficient to verify these limits shall be submitted to the County of San Diego, Department of Public Works, for review and approval.
- b. Prior to preparation of the Parcel Map, the engineer or surveyor preparing the map shall contact the County of San Diego, Department of Public Works, to determine the desired location of the centerline for Ribbonwood Road (SA 210), which is shown on the Circulation Element of the County General Plan as an Industrial/Commercial Collector Road. The following shall be shown on the Parcel Map for Parcel 3:
 - (1) The centerline location as approved by the Director of Public Works.

- (2) A building line which is a minimum of forty four-foot (44') from the centerline and identified by a line drawn at the appropriate location and labeled, "Limit of Building Line."
 - (3) Show the ultimate drainage and slope limits on the Parcel Map. A profile and cross-sections sufficient to verify these limits shall be submitted to the County of San Diego, Department of Public Works, for review and approval.
- 6. SPECIAL DISTRICTS/ROAD MAINTENANCE/COVENANTS/DEVELOPMENT IMPACT FEES [DPW]
 - a. The subdivider shall authorize Special Districts to process the project into the San Diego County Street Lighting District. After recordation of the Parcel Map, the land division shall be transferred, without notice or hearing, to Zone "A" of the San Diego County Street Lighting District to maintain existing street lights.
- 7. FACILITY/UTILITY ARRANGEMENTS [DPW] [DPLU]
 - a. Where private easement roads are not being dedicated, or where each of the proposed parcels is not on a public street, the subdivider shall provide the County of San Diego, Director of Public Works, with letters from serving utility companies stating that arrangements satisfactory to the utility have been made to serve all parcels being created. No letter will be required from the following: SBC/Pacific Bell/AT&T California, Olivenhain Municipal Water District, Yucca Mutual Water Company, and Rainbow Municipal Water District. [DPW]
 - b. The subdivider shall comply with Section 66436 of the Government Code by furnishing to the County of San Diego, Department of Public Works, a certification from each public utility and each public entity owning easements within the proposed land division stating that: (1) they have received from the subdivider a copy of the proposed Parcel Map; (2) they object or do not object to the filing of the Map without their signature. [DPW]

- C. BECAUSE THEY HAVE BEEN FOUND NECESSARY FOR THE PUBLIC HEALTH AND SAFETY AND ARE A NECESSARY PREREQUISITE TO THE ORDERLY DEVELOPMENT OF THE AREA, THE FOLLOWING PUBLIC IMPROVEMENTS MUST BE COMPLETED, OR A SECURED AGREEMENT EXECUTED, PRIOR TO RECORDING A PARCEL MAP. THE AGREEMENT REQUIRES POSTING SECURITY IN FORM OF A CASH DEPOSIT, IRREVOCABLE LETTER OF CREDIT OR AN INSTRUMENT OF CREDIT VALUED AT, OR MORE THAN, THE ESTIMATED IMPROVEMENT COST. IT ALSO REQUIRES IMPROVEMENTS BE COMPLETED WITHIN TWENTY-FOUR (24) MONTHS OF RECORDING THE PARCEL MAP, AND PRIOR TO GRANTING OF ANY APPROVAL OF DEVELOPMENT OF ANY PARCEL CREATED BY THIS MAP, EXCEPT BUILDING AND ASSOCIATED PERMITS CAN BE ISSUED REQUIRING COMPLETION OF PUBLIC IMPROVEMENTS PRIOR TO OCCUPANCY OF THE BUILDING.

1. PUBLIC ROAD IMPROVEMENTS [DPW] [FIRE]

- a. Ribbonwood Road (SA 210) shall be improved along the project frontage of Parcel 3, in accordance with Public Road Standards for an Industrial/Commercial Collector Road to a minimum one-half graded width of twenty four feet (24') with A.C. dike, and disintegrated sidewalks, and asphaltic concrete pavement over approved base. Face of A.C. dike shall be a minimum of fourteen feet (14') from centerline. Provide appropriate transitions/tapers and A.C. dike to existing pavement and traffic striping. All of the foregoing shall be to the satisfaction of the Director of Public Works.
- b. All new and existing utility distribution facilities, including cable television lines, shall be placed underground. All utility installations shall be completed before surfacing the streets and installing concrete curbs, gutters, and sidewalks.
- c. Portland cement concrete cross gutters shall be constructed where water crosses the roadways, but not mid-block.
- d. The exact depth of improved base material shall be based on soil tests approved by the County of San Diego, Director of Public Works.
- e. Install all street name signs.

- f. The subdivider shall construct a public street lighting system as may be required and to the satisfaction of the County of San Diego, Director of Public Works.
- g. A construction permit shall be obtained for the work within the right-of-way.
- h. Plans for public road improvements shall be prepared by a registered civil engineer and submitted to the County of San Diego, Director of Public Works. The following items shall also apply:
 - (1) Street alignment and grade, including the change of any existing or proposed street alignment and grade, shall be as required by the County of San Diego, Director of Public Works.
 - (2) Sight distance at all intersections shall conform to the intersectional sight distance criteria as provided by the County of San Diego Public Road Standards.
 - (3) Plans and specifications for the improvement of all streets, rights-of-way, drainage easements and all culverts, drainage channels and all private easements shall meet with the approval of the County of San Diego, Director of Public Works.

D. OTHER REQUIREMENTS [DPW] [DPLU]

- 1. The Basis of Bearings for the Parcel Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control stations with first order accuracy to the satisfaction of the County of San Diego, Director of Public Works (Refer to San Diego County Subdivision Ordinance Section 81.811).
- 2. The Parcel Map shall be prepared to show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of first order accuracy as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown

as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the County of San Diego, Director of Public Works (Refer to San Diego County Subdivision Ordinance Section 81.811 and 81.506(j)).

3. For the duration of this project-Comply with all applicable Stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than one (1) acre require that the property owner keep additional and updated information onsite concerning Stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

ADOPTION STATEMENT: This Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

JOSEPH FARACE, Planning Manager
Regulatory Planning Division

JF:GW:jcr

ND07-06\0221004-ND